

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY 29 D.C.  
05 DEC 14 PM 4:21

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN - MEMPHIS

JERRY L. BILLINGSLEY,

Plaintiff,

v.

No. 02-2920 B

SHELBY COUNTY DEPARTMENT  
OF CORRECTION, et al.,

Defendants.

---

ORDER GRANTING DEFENDANT KIRKLAND'S MOTION IN LIMINE  
TO EXCLUDE TESTIMONY OF WITNESSES

---

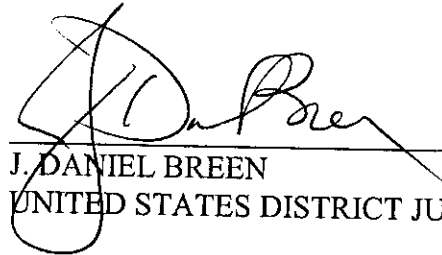
Before the Court is the motion in limine of the Defendant, Jon Kirkland, to exclude certain witnesses from testifying at trial, based either on their lack of first hand knowledge of the events upon which the claims of the pro se Plaintiff, Jerry L. Billingsley, arose or on the fact their testimony was relevant only to the now-dismissed Defendant, the City of Memphis (the "City"). Specifically, the Plaintiff has sought to call Lt. C. Luhrs, Sgt. J. McClain, L.M. Charnes and Offr. Maurice Burton, all of whom are assigned to the City police department's internal affairs division. Billingsley has stated that these individuals will testify as to the procedures for investigating complaints against police officers and particularly in connection with the City's failure to investigate his complaint against Defendant police officer Kirkland. As the City is no longer a party in this matter,<sup>1</sup> any failures on its part to act are no longer relevant to this lawsuit. Accordingly, the Defendant's motion to exclude the testimony of these persons is GRANTED. In addition, the Plaintiff has identified two other witnesses--former schoolmates Offr. Johnny Harper and William Singleton--who he asserts

---

<sup>1</sup>The Court granted the City's motion for summary judgment on November 24, 2004.

will testify with respect to the training necessary to be a police officer. Again, as this testimony is relevant only to the liability of City, and because there is no indication Harper or Singleton have any personal knowledge concerning the alleged incident, the motion of the Defendant is also GRANTED as to these proposed witnesses.

IT IS SO ORDERED this 14<sup>th</sup> day of December, 2005.



---

J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 217 in case 2:02-CV-02920 was distributed by fax, mail, or direct printing on December 15, 2005 to the parties listed.

---

Dedrick Brittenum  
FARRIS MATHEWS BRANAN BOBANGO HELLEN & DUNLAP, PLC  
One Commerce Square  
Ste. 2000  
Memphis, TN 38103

Jerry L. Billingsley  
1670 Altavista  
Memphis, TN 38127

Betsy McKinney  
GODWIN MORRIS LAURENZI & BLOOMFIELD, P.C.  
50 N. Front St.  
Ste. 800  
Memphis, TN 38103

Henry L. Klein  
APPERSON CRUMP & MAXWELL, PLC  
6000 Poplar Ave.  
Ste. 400  
Memphis, TN 38119--397

J. Phillip Kerley  
BREAKSTONE & ASSOCIATES  
200 Jefferson Ave.  
Ste. #725  
Memphis, TN 38103

Deborah A. Godwin  
GODWIN MORRIS LAURENZI & BLOOMFIELD, P.C.  
50 N. Front St.  
Ste. 800  
Memphis, TN 38103

Honorable J. Breen  
US DISTRICT COURT